Mail Stop Interference P.O. Box 1450 Alexandria Va 22313-1450

Tel: 571-272-9797 Fax: 571-273-0042 Paper 33 Filed: 3 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

EDWARD L. TOBINICK, and ARTHUR JEROME TOBINICK, Junior Party (Patent 6,015,557),

٧.

JUNMING LE,
JAN VILCEK, PETER DADDONA,
JOHN GHRAYEB, DAVID KNIGHT, and SCOTT SIEGEL,
Senior Party
(Applications 10/227,488 and 10/665,971)

Patent Interference No. 105,621 (SGL) (Technology Center 1600)

Before: SALLY GARDNER LANE, SALLY C. MEDLEY, AND MICHAEL P. TIERNEY, Administrative Patent Judges.

LANE, <u>Administrative Patent Judge</u>.

Judgment – Request for Adverse – Bd.R. 127(b)

1	Tobinick requests adverse judgment as to Count 2, the sole count of the	
2	interference. (Paper 32 at 2). The request is GRANTED.	
3	It is:	
4	ORDERED that judgment on priority as to Count 2 (Paper 23 at 1), the	
5	sole count of the interference, is entered against Junior Party Tobinick;	
6	FURTHER ORDERED that claims 1-3, 13, 14, 17-21, and 23-25	
7	of Tobinick patent 6,015,557, which claims correspond to Count 2 (Paper 30 at 2), be	
8	CANCELLED, 35 USC § 135(a);	
9	FURTHER ORDERED that the parties are directed to 35 USC § 135(c)	
10	and Bd. R. 205 regarding the filing of settlement agreements; and	
11	FURTHER ORDERED that a copy of this judgment shall be entered into	
12	the administrative record of Tobinick patent 6,015,557 and Le applications 10/227,488	
13	and 10/665,971.	

1 2	cc (via elec	tronic filing):		
3 4	Counsel for	Tobinkick:		
5 6 7 8 9	Richard A. NEIFELD IF 4813-B Eise	Robert W. Hahl, J.D., Ph.D. Richard A. Neifeld, J.D., Ph.D. NEIFELD IP LAW, PC 4813-B Eisenhower Avenue Alexandria, VA 22304		
10 11 12 13 14	Tel: Email: Email:	703-415-0012 rhahl@neifeld.com meifeld@neifeld.com		
15 16	Counsel for	Counsel for Le:		
17 18 19 20 21 22	WOODCO Cira Centre 2929 Arch	Joseph Lucci, Esq. WOODCOCK WASHBURN Cira Centre, 12 th Floor 2929 Arch Street Philadelphia, PA 19104-2891		
23 24 25	Tel: Email:	215-564-8370 lucci@woodcock.com		
26 27 28 29 30	HAMILTON 530 Virginia P.O. Box 9	Susan G.L. Glovsky, Esq. HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 Virginia Road P.O. Box 9133 Concord, MA 01742-9133		
31 32 33 34	Tel: Email:	978-341-0036 susan.glovsky@hbsr.com		